

Application No. 09/055,365  
Amendment "B" dated December 1, 2005  
Reply to Office Action mailed July 25, 2005

### REMARKS

These remarks and the accompanying amendments are responsive to the non-final Office Action mailed July 25, 2005 (hereinafter referred to as the "Office Action"), having a shortened statutory period for response that expired on October 25, 2005. A petition and fee for a one-month extension of time accompanies this response thereby extending the period for reply until November 25, 2005. Claims 1-56 were pending at the time of the last examination. By this response, Claim 1 and 29 are cancelled, thereby leaving Claims 2-28 and 30-56 for further consideration upon entry of this amendment. Of the remaining claims, Claims 2, 4-7, 9, 10, 14, 23, 24, 30, 32-34, 37, 38, 42, 51 and 52 are amended herein. Claims 3, 8, 11-13, 15-22, 25-28, 31, 35, 36, 39-41, 43-50 and 53-56 are original.

As a preliminary matter, section 5 of the Office Action indicates that Claims 15-28 and 43-56 are allowed. Section 6 of the Office Action indicates that Claims 4-6, 9-13 and 32-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 4-6 and 32-34 have been so rewritten and thus are in allowable form. Claims 35-41 depend from Claim 34, and thus are also now in allowable form since Claim 34 is in allowable form. Claim 9 is amended such that Claims 9-13 depend from Claim 6. Thus, Claims 9-13 are in allowable form.

The first instance of Claim 1 objects to several informalities in Claims 9, 10, 23, 24, 37, 51 and 52. Each of these claims are amended herein aiming to overcome the informalities.

The second instance of Section 1 of the Office Action rejects Claims 1-3, 7, 8, and 29-31 under 35 U.S.C. 102(c) as being anticipated by United States patent number 6,363,060 issued to

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Sarkar (hereinafter "Sarkar"). This rejection is moot with respect to cancelled Claims 1 and 29, but remains with respect to Claims 2, 3, 7, 8, 30 and 31.

With respect to Claims 2 and 3, Claim 2 is amended to depend from Claims 4-6. Each of Claims 4-6 are either allowed, or placed in allowable form by this amendment. Thus, Claim 2 is not anticipated by Sarkar at least for the reasons recognized by the Office Action that Claims 4-6 are not anticipated by Sarkar. Claim 3 depends from Claim 2, and thus is not anticipated by Sarkar at least for the reasons that Claim 2 is not anticipated by Sarkar.

With respect to Claims 7 and 8, Claim 7 is amended herein to depend from Claim 6, which is allowable and made in patentable form by amendment made herein. Accordingly, Claims 7 and 8 are not anticipated by Sarkar for at least the same reasons that Claim 6 is recognized as being not anticipated by Sarkar.

With respect to Claims 30 and 31, Claim 30 is amended to depend from Claims 32-34. Each of Claims 32-34 are placed in allowable form by this amendment. Thus, Claim 30 is not anticipated by Sarkar at least for the reasons recognized by the Office Action that Claims 32-34 are not anticipated by Sarkar. Claim 31 depends from Claim 30, and thus is not anticipated by Sarkar at least for the reasons that Claim 30 is not anticipated by Sarkar.

Thus, the 35 U.S.C. 102(c) rejection should be withdrawn.

Sections 3 and 4 of the Office Action reject Claims 14 and 42 under 35 U.S.C. 103(a) as being unpatentable over Sarkar. Sarkar does not disclose that a repeating step is executed if "it is determined that [the] mobile station is communicating." The Office Action alleges that the conventional mobile station may execute the repetition step while the mobile station is communicating because Sarkar does not disclose timing of the repetition step. However, Sarkar does not disclose that the repetition step is not executed if the mobile station is not in the

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communication state. A feature of the present invention lies in choosing the communication state for executing the repeating step in order to obtain this effect. Thus, the 35 U.S.C. 103(a) rejection should be withdrawn.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1<sup>st</sup> day of December, 2005.

Respectfully submitted,



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